

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26279

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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PATRICK JOHN FRISKEL, Plaintiff-Appellant

vs.

JENNY ANN FRISKEL, Defendant-Appellee

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APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT  
(FC-D. NO. 98-2174)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the family court's November 21, 2003 order did not end the proceedings on the March 14, 2003 motion for post-decree relief inasmuch as the order did not determine the issue of termination of child support for the first child and did not recalculate the amount of child support for the second child. Absent a determination of these issues, the appeal of the November 21, 2003 order is premature. See Familian Northwest Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 714 P.2d 936 (1986) (a post-judgment order is an appealable final order under HRS § 641-1(a) if it finally ends the post-judgment proceeding, leaving nothing further to be determined). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 15, 2004.